



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 22, 1995

Mr. Robert E. Diaz
Assistant City Attorney/
Police Legal Advisor
City of Arlington
P.O. Box 1065
Arlington, Texas 76004-1065

OR95-1594

Dear Mr. Diaz:

You have requested that this office reconsider its decision in Open Records Letter No. 94-830 (1994) that portions of records pertaining to a police officer's application for employment with the Arlington Police Department do not come under the protection of common-law privacy, as incorporated into section 552.101 of the Government Code. You also ask that we reconsider this ruling with regard to the applicability of section 552.111. Because we believe that Open Records Letter No. 94-830 (1994) correctly applied the standards for common-law privacy regarding information about public employees, we decline to reconsider our ruling in this regard.¹ We also decline to reconsider our decision regarding section 552.111.

The police officer in question has also submitted reasons why she believes portions of the requested documents should not be released to the public. We agree with her contention that the release of her license plate number may tend to reveal her home address and telephone number, which are deemed confidential under section 552.117(1)(B) of the Government Code. See Open Records Decision No. 583 (1990).

¹Your reliance on *Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied) is misplaced. *Ellen* concerned an investigation into sexual harassment in the work place; it did not address, as does the information here, an individual's background and qualifications for becoming a police officer.

(names and addresses of purchasers of automobile license plates held by tax assessor/collector constitute public information). However, the remaining information must be released.²

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 31288

Enclosures: Submitted documents

cc: Ms. Jennifer Mena
Reporter
Star-Telegram/Arlington
P.O. Box 1088
Arlington, Texas 76004
(w/o enclosures)

²The police officer also contends, *inter alia*, that some of the information at issue should be withheld because it is incorrect or misleading. These are not factors to be considered in the open records process. See Open Records Decision No. 579 (1990); see also *Cain v. Hearst Corp.*, 878 S.W.2d 577 (Tex. 1994) (state of Texas does not recognize tort of false-light invasion of privacy). If, however, portions of the information at issue are in fact inaccurate or untrue, there is no reason that the city may not also release, along with the requested documents, other supplemental information that explains why and to what extent the information is inaccurate or that otherwise clarifies the information contained in the records at issue.